

## **CHAPTER NO. 45**

### **HOUSE BILL NO. 2391**

**By Representative Rinks**

**Substituted for: Senate Bill No. 2379**

**By Mr. Speaker Wilder**

AN ACT to amend Chapter 699 of the Private Acts of 1951; as amended by Chapter 225 of the Private Acts of 1976; Chapter 3 of the Private Acts of 1991 and Chapter 133 of the Private Acts of 2004; and any other acts amendatory thereto, relative to the charter for the Town of Saltillo.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 699 of the Acts of 1951, as amended by Chapter 225 of the Acts of 1976; Chapter 3 of the Acts of 1991; Chapter 133 of the Acts of 2004; and all other acts amendatory thereto, being the charter for the Town of Saltillo, are repealed except for those provisions regarding the boundaries, as referenced in Section 4 of this act, and the following sections shall become the charter of the Town of Saltillo.

SECTION 2. The Town of Saltillo, in the county of Hardin, and the inhabitants thereof, are hereby constituted a body politic and corporate by the style and name of "Town of Saltillo" and shall have perpetual succession by the corporate name; may sue and be sued, plead and be impleaded; grant, receive, purchase and hold real, mixed and personal property; may sell, lease, or dispose of the same for benefit of said municipality; and may do all other acts authorized by municipal, state and federal law as the stated and implied powers of a municipality; and may have and use a corporate seal and change it at its pleasure.

SECTION 3. As used herein, unless the context otherwise requires:

- (1) "Alderman" means a person elected to the board as provided in this charter;
- (2) "Board" means the legislative body of the town, which is composed of the mayor and five (5) aldermen elected as provided in this charter;
- (3) "Town" means the Town of Saltillo, Tennessee; and
- (4) "Nonpartisan" means without any designation of candidates as members or candidates of any state or national political party or organization.

SECTION 4. The boundaries of the Town shall be as provided in Chapter 699 of the Private Acts 1951, all Acts amendatory thereof, and in addition shall include annexations made pursuant to general law.

SECTION 5. The legislative power of the Town is vested in the Board. The members of the Board are elected for a term of four (4) years by the qualified voters of the Town and shall serve until successors are elected and qualified; provided, however, that the expiration of the regular term of office of the members of the Board elected in the August 2003 election is extended from the first Tuesday of August 2007 to the date following the November 2008 election when their successors are elected and qualified. Thereafter, the members of the Board shall be elected for four-year terms on the date of the general election held in November. The members' terms begin at the convening of the first regularly scheduled meeting of the Board next succeeding the date of their election.

SECTION 6. Beginning with the election in November 2008, all Town elections shall be held on the date of the general election held in November 2008 and on the date of the general election held in November every four (4) years thereafter. Elections shall be held under the direction of and in such manner as the Board prescribes, and under the general rules and regulations fixed by law for holding state, county and municipal elections. Any person who is qualified to hold office in Hardin County, Tennessee, and has been a resident of the Town for twelve (12) months next preceding the election, is qualified to hold the office of Mayor or Alderman. Any person who is qualified to vote in state and county elections and who resides within the corporate limits of the Town shall be entitled to vote in all municipal elections in the Town, provided that he or she shall be required to register under any applicable state election registration laws. The person receiving the highest number of votes for Mayor shall be declared elected and the five (5) persons receiving the highest number of votes for the office of Alderman shall be declared elected, and the county election commission shall issue to the persons so elected a certificate showing their election.

If there is a tie vote between two (2) or more persons having the highest number of votes for an office, the Board shall cast the deciding vote.

SECTION 7. Before entering upon the discharge of their duties, the members of the Board shall take an oath to faithfully, honestly and impartially perform the duties of their office without fear or affection and to the best of their skill and ability.

SECTION 8. A vacancy exists if the Mayor or an Alderman:

- (1) Resigns, dies, or moves his or her residence from the town;
- (2) Is convicted of a malfeasance or misfeasance in office, a felony, a violation of the election laws of the state, or a crime involving moral turpitude;
- (3) Fails to attend any meetings of the Board for a period of ninety (90) days with no extenuating circumstances; or
- (4) Is prevented from discharging the duties of his or her office because he or she has been continuously disabled for a period of six (6) months.

The Board shall by resolution declare a vacancy to exist for any of these reasons, and such finding shall be final. The remaining members of the Board shall fill any such vacancy, for the balance of the unexpired term.

Any person convicted of malfeasance or misfeasance in office, a felony, or a crime involving moral turpitude is prohibited from holding office or employment with the Town for a period of ten (10) years after conviction.

SECTION 9. The Board shall hold a regular meeting once each month. Special meetings shall be called by the Mayor when two (2) members of the Board submit a written request specifying the purpose of the meeting. The Mayor may also call special meetings at any time the Mayor thinks the welfare of the town demands it. Business not specified in the call to a special meeting shall not be transacted in such meeting.

SECTION 10. Four (4) members of the Board constitute a quorum, but a smaller number may adjourn from day to day, and may compel the attendance of the absentees in such manner and under such penalties as the Board may provide. The Recorder shall keep a journal of the proceedings of the Board and shall enter in such journal each vote taken by the Board of yeas and nays. No action of the Board, except to adjourn, shall have any force or validity unless at least three (3) of the members have voted in favor thereof.

SECTION 11. The Board has the power to make all ordinances necessary and proper for carrying into execution the provisions of this Act and power herein granted, and all ordinances which it may deem necessary and requisite for the good order, health, good government, or general welfare of the Town, and also for the protection of any corporate property, privileges and franchises, and force the same by a proper fine, and other penalties not in conflict with general law.

An ordinance shall be considered and adopted on one (1) day; any other form of Board action shall be considered and adopted on one (1) day.

SECTION 12. The Mayor shall preside at all meetings of the Board, call special meetings of the Board as hereinbefore provided, see that the corporate laws and ordinances are duly enforced, shall countersign checks and drafts drawn upon the treasury by the Treasurer and sign all contracts to which the Town is a party. In the absence, resignation, or sickness of an officer of the Town, the Mayor may appoint officers to fill such vacancies until the next meeting of the Board. The Mayor shall have power to suspend any officer when, in the judgment of the Mayor, the public welfare requires it, but shall submit to such officer at the time of the suspension a written specification of the charges against the officer. The officer may appeal the suspension to the Board. In all cases of the examination of charges against any officer the Mayor shall preside, administer oaths, and issue subpoenas to compel the attendance of the witnesses and the production of books and papers. The Mayor shall give such records and information in writing to the Board as the Mayor may deem expedient for the interest of the Town. The Mayor shall have the right to vote once on all questions. The Mayor shall have the power to veto any ordinance, and any ordinance vetoed by the Mayor shall not become operative except by the vote of a majority of the Board, exclusive of the Mayor.

SECTION 13. The Board shall appoint a Recorder who, before entering upon the duties of the office, shall take an oath to faithfully perform the same. The Recorder or the Recorder's designee shall be present at all meetings of the Board and shall keep a full and accurate record of all business transacted by the Board to be preserved in permanent form. The Recorder or the Recorder's designee shall have custody of, and preserve in the Recorder's office, the Town seal, the public records, original rolls of ordinance, ordinance books, minutes of the Board, contracts, bonds, title deeds, certificates, and papers, all official indemnity or security bonds, and all other bonds, oaths and affirmations and all other records, papers and documents not required by this charter or by ordinance to be deposited elsewhere, and register them by numbers, dates and contents, and keep an accurate and modern index of such material. All such records shall be the property of the Town. The Recorder shall serve at the will of the Board.

SECTION 14. The Board shall appoint a Treasurer who shall collect, receive and receipt for the taxes, the proceeds of the Town's bond issues, and all other revenue (and bonds) of the Town, and disburse them. The Treasurer shall serve at the will of the Board. The Board may appoint the Recorder as Treasurer.

SECTION 15. There may be a Town Court presided over by a Town Judge appointed by the Board. The Town Judge shall have jurisdiction in and over all cases for the violation of the laws and ordinances of the Town and all cases arising under the laws and ordinances of the Town. The Town Judge shall be licensed by the state to practice law. By ordinance, the Board may provide for additional qualifications, the term of office, if any, and compensation. In the absence or disability of the Town Judge, the Mayor may designate a qualified person to serve as Town Judge or may designate the general sessions court judge of Hardin County to be acting Town Judge until a new Town Judge can be appointed at the next regularly scheduled meeting of the Board, or as otherwise provided by ordinance.

SECTION 16. Any person dissatisfied with the judgment of a Town Judge, in any case or cases heard and determined by the Town Judge acting pursuant to § 16-18-302(a), may, within ten (10) days thereafter, Sundays exclusive, appeal to the circuit court of Hardin County, upon giving bond in the amount of two hundred fifty dollars (\$250) for such person's appearance and the faithful prosecution of the appeal. As used in this section, person includes, but is not limited to, a natural person, corporation, business entity or the Town.

SECTION 17. The Chief of Police of the Town and any "full-time police officers" employed by the Town, or any "part-time/temporary/reserve/auxiliary/police officer" employed by the Town, or any "special deputy", as defined by § 38-8-101(3), who volunteers their services to the Town shall meet the minimum standards of the Tennessee peace officer standards and training commission before becoming an employee or volunteer of the Town and shall be certified by the commission upon acceptance of employment or before becoming a volunteer for the Town.

SECTION 18. In letting any and all contracts for work, improvements, supplies, materials or machinery the Board shall comply with the Tennessee Municipal Purchasing Law of 1983 as amended. It is the duty of the Board to let such contract to the lowest and best bidder after due notice for competitive bids.

SECTION 19. The Mayor and Aldermen shall serve without compensation.

SECTION 20. The Town shall have power to:

- (1) Assess, levy and collect taxes for all general and special purposes on all subjects or objects of taxation, and privileges taxable by law for state, county or municipal purposes;
- (2) Adopt classifications of the subjects and objects of taxation that are not contrary to law;
- (3) Make special assessments for local improvements;
- (4) Contract and be contracted with;
- (5) Incur debts by borrowing money or otherwise, and give any appropriate evidence thereof, in the manner hereinafter provided;
- (6) Issue and give, sell, pledge or in any manner dispose of, negotiable or nonnegotiable interest-bearing or noninterest-bearing bonds, warrants, promissory notes or orders of the Town, upon the credit of the Town or solely upon the credit of specific property owned by the Town or solely upon the credit of income derived from any property used in connection with any public utility owned or operated by the Town, or solely upon the credit of the proceeds of special assessments for local improvements, or upon any two (2) or more such credits;
- (7) Expend the money of the Town for all lawful purposes;
- (8) Acquire or receive and hold, maintain, improve, sell, lease, mortgage, pledge or otherwise dispose of property, real or personal, and any estate or interest therein, within or without the Town or state;
- (9) Condemn property, real or personal, or any easement, interest, or estate or use therein, either within or without the Town, for present or future public use; the condemnation shall be effected in accordance with the terms and provisions of title 29, chapter 16, or in any other manner provided by law;
- (10) Take and hold property within or without the Town or state upon trust, and administer trusts for the public benefit;

(11) Acquire, construct, own, operate and maintain, or sell, lease, mortgage, pledge or otherwise dispose of public utilities or any estate or interest therein, or any other utility of service to the Town, its inhabitants, or any part thereof, and further, may issue debt for these purposes under the Local Government Public Obligations Act, compiled in title 9, chapter 21;

(12) Grant to any person, firm, association or corporation (including the Town) franchises for public utilities and public services to be furnished the Town and those therein. The power to grant franchises embraces the power to grant exclusive franchises except where prohibited by law. Whenever an exclusive franchise is granted, it shall be exclusive not only as against any other person, firm, association, or corporation, but also against the Town itself. Franchises may be granted for a period of twenty-five (25) years or less, but not longer. The Board may prescribe, in each grant of a franchise, the rate, fares, charges and regulations that may be made by the grantee of the franchise in accordance with state and federal law. Franchises may by their terms apply to the territory within the corporate limits of the Town at the date of the franchises, and as the corporate limits may be enlarged, and to the existing streets, alleys and thoroughfares that thereafter may be opened;

(13) Make contracts with any person, firm, association or corporation for public utilities, public services to be furnished the Town and those therein. The power to make contracts embraces the power to make exclusive contracts. When an exclusive contract is entered into, it shall be exclusive against any other person, firm, association or corporation. These contracts may be entered into for a period of twenty-five (25) years or less, but not longer. The Board may prescribe in each such contract the rates, fares, charges, and regulations that may be made by the person, firm, association or corporation with whom the contract is made. Such contracts may by their terms apply to the territory within the corporate limits of the Town at the date of the contract, and as the corporate limits may be enlarged, and to the then existing streets, alleys and thoroughfares and to any other streets, alleys and other thoroughfares that thereafter may be opened;

(14) Prescribe reasonable regulations regarding the construction, maintenance, equipment, operation and service of public utilities, compel reasonable extensions of facilities for these services, and assess fees for the use of or impact upon these services. Nothing herein shall be construed to permit the alteration or impairment of any of the terms or provisions of any exclusive franchise granted or of any exclusive contract entered into under subdivisions (12) and (13);

(15) Establish, open, relocate, vacate, alter, widen, extend, grade, improve, repair, construct, reconstruct, maintain, light, sprinkle and clean public highways, streets, boulevards, parkways, sidewalks, alleys, parks, public grounds, public facilities, libraries and squares, wharves, bridges, viaducts, subways, tunnels, sewers and drains within or without the corporate limits, regulate their use within the corporate limits, assess fees for the use of or impact upon such property and facilities, and take and appropriate property therefor under the provisions of general condemnation laws of the state;

(16) Construct, improve, reconstruct and reimprove by opening, extending, widening, grading, curbing, guttering, paving, graveling, macadamizing, draining or otherwise improving any streets, highways, avenues, alleys or other public places within the corporate limits, and assess a portion of the cost of these improvements on the property abutting on or adjacent to these streets, highways or alleys under, and as provided by the special assessment laws of the state and all pertinent state law;

(17) Assess against abutting property within the corporate limits the cost of planting shade trees, landscaping, removing from sidewalks all accumulations of snow, ice and earth, cutting and removing obnoxious weeds and rubbish, street lighting, street sweeping, street sprinkling, street flushing, and street oiling, the cleaning and rendering sanitary or removing, abolishing and prohibiting of closets and privies, in such manner as may be provided by general law or by ordinance of the Board;

(18) Acquire, purchase, provide for, construct, regulate and maintain and do all things relating to all marketplaces, public buildings, bridges, sewers and other structures, works and improvements;

(19) Collect and dispose of drainage, sewage, ashes, garbage, refuse or other waste, or license and regulate their collection and disposal, and the cost of collection, regulation or disposal may be funded by taxation, special assessment to the property owner, user fees or other charges;

(20) License and regulate all persons, firms, corporations, companies and associations engaged in any business, occupation, calling, profession or trade not prohibited by law;

(21) Impose a license tax upon any animal, thing, business, vocation, pursuit, privilege or calling not prohibited by law;

(22) Define, prohibit, abate, suppress, prevent and regulate all acts, practices, conduct, businesses, occupations, callings, trades, uses of property and all other things whatsoever detrimental, or liable to be detrimental, to the health, morals, comfort, safety, convenience or welfare of the inhabitants of the municipality, and exercise general police powers;

(23) Prescribe limits within which business occupations and practices liable to be nuisances or detrimental to the health, morals, security or general welfare of the people may lawfully be established, conducted or maintained;

(24) Inspect, test, measure and weigh any article for consumption or use within the Town, and charge reasonable fees therefor, and provide standards of weights, tests and measures in accordance with general law;

(25) Regulate the location, bulk, occupancy, area, lot, height, construction and materials of all buildings and structures, and inspect all buildings, lands and places as to their condition for health, cleanliness and safety, and when necessary, prevent their use and require any alteration or changes necessary to make them healthful, clean or safe;

(26) Provide and maintain charitable, educational, recreative, curative, corrective, detentive, or penal institutions, departments, functions, facilities, instrumentalities, conveniences and services;

(27) Purchase or construct, maintain and establish a workhouse for the confinement and detention of persons who violate laws within the corporate limits of the Town, or contract with the county to keep these persons in the workhouse of the county;

(28)

(A) Enforce any ordinance, rule or regulation by fines, forfeitures and penalties, and by other actions or proceedings in any court of competent jurisdiction;

(B) No fine may exceed fifty dollars (\$50.00) or the maximum allowable under general state law, whichever is greater, for violation of municipal ordinances, for any one (1) violation;

(C) Provide by ordinance for court costs;

(29) Regulate, tax, license or suppress the keeping or going at large of animals within the Town, impound them, and in default of redemption, sell or euthanize them;

(30) Call elections as herein provided; and

(31) Have and exercise all powers that now or hereafter it would be competent for this charter specifically to enumerate, as fully and completely as though these powers were specifically enumerated.

SECTION 21. Nothing in this act shall be construed as having the effect of removing any incumbent from office or abridging the term of any official prior to the end of the term for which such official was elected.

SECTION 22. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 23. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the Town of Saltillo. Its approval or nonapproval shall be proclaimed by the presiding officer of the Town and certified to the secretary of state.

SECTION 24. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 23.

**PASSED: April 25, 2005**

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

APPROVED this 4<sup>th</sup> day of May 2005

  
PHIL BREDESEN, GOVERNOR